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Docket No.: N3236.0036
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kenichi Asada

Application No.: 10/006,577

Confirmation No.: 4980

Filed: December 6, 2001

Art Unit: 2687

For: NOTIFICATION SYSTEM AND METHOD
FOR REMOTELY TURNING ON
CELLULAR PHONE BEING IN POWER-
OFF STATE AND CELLULAR PHONE
THEREOF

Examiner: F. E. Ramos

APPEAL BRIEF IN RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required in the Notification of Non-Compliant Appeal Brief mailed April 6, 2006, this brief is filed within one month of the Notification. The original Appeal Brief was filed within two months of the Notice of Appeal filed in this case on November 14, 2005, and was in furtherance of said Notice of Appeal.

No further fees are required.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

- I. Real Party In Interest
- II Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
- VII. Argument
- Appendix A Claims Involved in the Appeal
- Appendix B Evidence
- Appendix C Related Proceedings

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

NEC Corporation

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 14 claims pending in application.

B. Current Status of Claims

1. Claims rejected: 1-4, 6-10, 12 and 14.
2. Claims allowed: 5, 11 and 13.

C. Claims On Appeal

The claims on appeal are claims 1-4, 6-10, 12 and 14.

IV. STATUS OF AMENDMENTS

Appellant filed an Amendment in Response to Final Office Action September 29, 2005, in response to the Final Office Action dated July 14, 2005. At that time, claims 5, 11 and 13, previously indicated as allowable if rewritten into independent form, were amended, i.e., rewritten in independent form, to place them in condition for allowance. In the Advisory Action mailed October 13, 2005, the Examiner indicated that the September 29, 2005 Amendment would be entered upon filing the Notice of Appeal (which was subsequently filed). No further amendments have been made subsequent to the September 29, 2005 Amendment.

Accordingly, the claims enclosed herein as Appendix A reflect the status of the claims on and before September 29, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 is directed to a notification system (e.g., 100) for communicating between a sender cellular phone (e.g., 1) and a receiver cellular phone (e.g., 5) comprising: a system configuration (e.g., in based station 40 and receiver phone 5) for allowing said sender cellular phone to transmit an ON state indication signal indicating to switch ON a main power source (e.g., in power source section 8) of said receiver cellular phone through a radio wave to said receiver cellular phone being in an OFF state, such that said main power source of said

receiver cellular phone is remotely turned ON. See, specification at page 10, lines 3-11 and specification at page 10, line 11, through page 11, line 10.

Claim 3 is directed to a notification system (e.g., 100) for communicating between a sender cellular phone (e.g., 1) and a receiver cellular phone (e.g., 5) comprising: a base station controlling device (e.g., 3) for receiving receiver information concerning said receiver cellular phone (e.g., 5), and for controlling a base station (e.g., 40) covering an area indicated in said receiver information; a sub-system configuration (e.g., 3) in said base station for sending power-ON information based on said receiver information received from said base station controlling device; and a device configuration (e.g., 7) in said receiver cellular phone for receiving said power-ON information from said base station even if a main power source of said receiver cellular phone is in an OFF state. See, e.g., specification at page 10, lines 3-11 and specification at page 10, line 11, through page 11, line 10.

Claim 6 is directed to a method for communicating between a sender cellular phone (e.g., 1) and a receiver cellular phone (e.g., 5) comprising: transmitting, by said sender cellular phone, an ON state indication signal indicating to switch ON a main power source (e.g., in power source section 8) of said receiver cellular phone through a radio wave to said receiver cellular phone (e.g., 5); and turning on said main power source of said receiver cellular phone (e.g., 5) in response to said ON state indication signal. See, e.g., specification at page 10, lines 3-11 and specification at page 10, line 11, through page 11, line 10.

Claim 9 is directed to a cellular phone (e.g., 5) comprising a device configuration (e.g., elements 6, 7, 8) for receiving a signal from a base station for switching to be in an ON state and being capable of switching a main power source to be in said ON state even if said main power source is in an OFF state. See e.g., specification at page 11, line 11 through page

12, line 1 and Figure 2. The internal configuration of the receiver's cellular phone 5 is shown in Figure 2.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Final Office Action dated July 14, 2005 ("the Final Office Action") rejected claims 1-4, 6, 8-10, 12 and 14 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,169,905 to Fukuda (hereinafter "Fukuda") in view of U.S. Patent No. 4,989,230 to Gillig et al. (hereinafter "Gillig"). Claim 7 was rejected under 35 U.S.C. § 103(a) as obvious over Fukuda in view of Gillig and further in view of MPEP 2144.03. Claims 5, 11 and 13, which are not under appeal, were indicated in the Advisory Action to be allowed, in view of the September 29, 2005 Amendment.

VII. ARGUMENT

A. Group 1 – Independent Claims 1, 3, 6 and 9

The invention to which claims 1, 3, 6 and 9 under appeal are directed relates to a notification system by which, for example, a sending person ("sender") using a cellular phone can send a signal to a receiver person ("receiver") using a cellular phone. In particular, the notification system can send a signal that includes an ON state indication, instructing the receiver phone to change to an ON state, even if the receiver's phone had been in an OFF state.

As shown in Figure 1, a notification system 100 according to a first embodiment includes a sender cellular phone 1, a service center 2, a base station controlling device 3, at least one of a plurality of base stations 40, 41, . . . (hereinafter referred to generally as "base

station 40”) within a reception area that may be able to contact the receiver’s cellular phone 5, and the receiver’s cellular phone 5 itself. Specification at page 10, lines 3-11.

The sender’s cellular phone 1 sends receiver information to the service center 2. Such information may include the cell phone telephone number of the receiver’s cellular phone 5, a password set to the receiver’s cellular phone 5 beforehand, and area information, indicating an area in which the receiver’s cellular phone 5 is predicted to be.

The service center 2 sends the receiver information to the base station controlling device 3, which controls the plurality of the base stations 40, 41, . . . covering an area that is included in the receiver information and indicated by the sender.

The base station controlling device 3 sends the receiver information preferably to the plurality of the base stations 40, 41, . . . and the base station 40 sends power-ON information, based on the receiver information received from the base station controlling device 3, using at least one of common channels. The receiver’s cellular phone 5 detects the power-ON information sent from the base station 3, and can do so even if the main power source of the receiver’s cellular phone 5 is turned OFF. Specification at page 10, line 11, through page 11, line 10.

The internal configuration of the receiver’s cellular phone 5 is shown in Figure 2. As shown in that figure, the receiver’s cellular phone 5 includes a synchronization establishing section (circuit) 6 which establishes synchronization with the base station 40, 41, . . . , a power-ON information detecting section (circuit) 7, which extracts the power-ON information from a radio wave transmitted from the base station 40, and a power source section (circuit) 8 for supplying electric power to the synchronization establishing section 6 and the power-ON information detecting section 7. The synchronization establishing section 6 and the power-ON information detecting section 7 remain in an active state, even if the main power source is turned OFF and operate to turn ON the main power source 8 when the

power-ON information is detected in a received signal by the detecting section 7. The signal processing section (unit) 9 sends and receives a signal, a signal processing controlling section (circuit) 10 for controls the signal processing section 9, and a displaying section 11 displays information, such as characters, numbers, or a like. Specification at page 11, line 11 through page 12, line 1.

The main power source switch in the power source section 8 is turned ON using the power-ON information obtained by the power-ON information detecting section 7, allowing power to be supplied to each of the signal processing section 9, the signal process controlling section 10, and the displaying section 11. The power being supplied to the signal processing section 9 and the signal process controlling section 10 allows the receiver's cellular phone 5 to receive signals from the sender cellular phone 1 via the base station 40 (receive mode). Specification at page 13, lines 16-28.

Figures 3 and 4 relate to a second embodiment. In the second embodiment, in addition to the transmitted information discussed in the first embodiment, a location information system, such as a Global Positioning Satellite (GPS), is used. The claims directed to this embodiment have been allowed and form no part of this appeal. For this reason, this embodiment will not be discussed in detail.

Independent claim 1 includes the limitations of “a system configuration for allowing said sender cellular phone to transmit an ON state indication signal indicating to switch ON a main power source of said receiver cellular phone through a radio wave to said receiver cellular phone being in an OFF state, such that said main power source of said receiver cellular phone is remotely turned ON.”

Independent claim 3 includes the limitations of “a sub-system configuration in said base station for sending power-ON information based on said receiver information received from said base station controlling device; and a device configuration in said receiver cellular

phone for receiving said power-ON information from said base station even if a main power source of said receiver cellular phone is in an OFF state.”

Independent claim 6 includes the limitations of “transmitting, by said sender cellular phone, an ON state indication signal indicating to switch ON a main power source of said receiver cellular phone through a radio wave to said receiver cellular phone; and turning on said main power source of said receiver cellular phone in response to said ON state indication signal.”

Independent claim 9 includes the limitations of “a device configuration for receiving a signal from a base station for switching to be in an ON state and being capable of switching a main power source to be in said ON state even if said main power source is in an OFF state.”

These limitations of the independent claims are not disclosed or suggested at any cited portion of Fukuda or Gillig.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Both the teaching or suggestion to make the proposed combination, and the reasonable expectation of success, must be found in the prior art, not in Applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See also MPEP §2143.

Further, the fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Although a prior art device “may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.” *Id.* at 682. See also MPEP §2143.01.

As such, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). See MPEP §2141.02.

Appellant respectfully submits that the Final Office Action has failed to identify art that teaches or suggests the above-noted claim limitations of the independent claims.

In the Final Office Action, the position was taken that Fukuda shows the limitations of the independent claims discussed above. However, as will be discussed below, the disclosure of Fukuda fails to teach or suggest that any signal is sent to a terminal to instruct that the terminal turn on its power, as required by all the independent claims on appeal.

This was pointed out with great specificity in previous responses. However, in responding to those arguments, the Examiner relied upon a statement in Fukuda’s Abstract as evidence that it is “very clear” that Fukuda “teaches that the remote station turns on a power supply of its reception unit on the basis of the control signal (ON state indication signal).” See Final Office Action, page 10. Appellant respectfully disagrees.

While Fukuda states in the Abstract that the “remote station turns on and off a power supply of its reception unit on the basis of the control signal transmitted thereto,” it is axiomatic that Fukuda cannot receive a control signal to turn on its reception unit while the

reception unit is turned OFF. In the OFF state, the reception unit cannot receive any signals, let alone a control signal to turn the cellular phone on, as required by the independent claims on appeal. Accordingly, the phrase “on the basis of the control signal” must have some other meaning than that suggested by the Examiner.

When Fukuda is viewed in its entirety, it is clear that the power of its reception unit is turned on and off in Fukuda on the basis *of the timing of the control signal*, not on the basis of any power-ON signal embedded in the control signal. As such, Fukuda does not meet the feature of the ON state indication signal independent claims 1 and 6, and also does not meet the limitation of the power-ON information of claim 3, and the signal from a base station for switching to be in an ON state, as recited in claim 9.

Fukuda’s Controls ON/OFF Timing so as to Synchronize with Receipt of the Control Signal

In Fukuda, the supply of power to the reception unit of the remote station is synchronized with the transmission times of the control signals from the base stations such that the remote station powers up its receiver at a time appropriate for receiving the control signal. The communications controller 14 controls the remote stations such that they “energize their reception units (radio units 12 or the like) only during the period of timing at which a series of control signals is successively transmitted.” (Column 8, lines 9-14).

Moreover, a study of Fukuda’s control signal supports this interpretation, and lends no support whatsoever to the position taken in the Final Office Action. Specifically, according to Fukuda:

As shown in Figure 5, the down-link control signal comprises a preamble PR which is a sync word formed of a constant pattern of a predetermined length, a unique word UW of a specific pattern indicative of the control signal, a channel type C1 for effecting a

communication, control data CAC indicating a control content and an error-detection parity CRC, in that order.

(Column 5, lines 38-45).

Figure 5 shows that the control signal of Fukuda contain *no* command that the remote station be *turned on*. Thus, contrary to the position taken in the Final Office Action, there is no power-on signal contained in the control signal.

As is clear from the foregoing, Fukuda's remote station automatically turns its reception section on *at predetermined periods*, not based on a *signal* transmitted from a master station *indicating that it should switch on the power*.

[T]he remote stations 4, 5, . . . , *detect the timing* at which they receive the control signal transmitted from the main master station 1 and receive the transmitted control signal intermittently *during the period T_{ON}* on the basis of the detected timing. The reception operation in this period T_{ON} is intermittently carried out at a *predetermined cycle*.

(Column 8, lines 24-32.)

Thus, Fukuda's remote station is turned on (T_{ON}) based on *timing considerations* – i.e., considerations relating to when the remote station needs to energize its reception unit so as to be able accept a control signal -- *not* based on “an ON state indication signal” transmitted remotely as required in claims 1 and 6, or the similar signals recited in claims 3 and 9.

The Interpretation of the Abstract in the Final Office Action is Contrary to the Teachings of the Specification

The Final Office Action, and the continuation sheet of the Advisory Action, responded to the above arguments by stating (1) that the above-quoted statement in the

Abstract very clearly teaches an ON state indication signal as claimed; and (2) that the teachings in the detailed description of Fukuda regarding the synchronization of the turning on and off of the receiver with reception timings of the control signal relate to a different or additional embodiment, one that was “not applied by the Examiner.” Both statements are incorrect.

1. The Detailed Description is Not a Different Embodiment

First, the portions of Fukuda’s detailed description discussed in connection with synchronizing the on and off timing of the reception unit of the remote terminal and the control signal are the *only* detailed descriptions explaining the timing of the turning on and off of the receiver power of the remote stations. It constitutes the only detailed explanation of *how* the turning on and off operates in Fukuda. As such, it *must* be applied by the Examiner, since the prior art must be taken as a whole. *No alternative explanation is provided* in Fukuda as to how the turning off and on of the receivers of the remote stations is accomplished.

The above-cited description of the synchronization between the control signal and the turning off and on of the receivers of the remote stations is the *only* detailed explanation of how the turning on and off of the receivers relates to the control signals in Fukuda. As, such, it is clearly not an “alternative embodiment” to that described in the Abstract, contrary to the position taken by the Examiner.

2. The Interpretation of Fukuda’s Abstract in the Final Office Action is at Odds with the Detailed Description.

The foregoing discussion, in combination with the absence of *any* indication of an ON indication signal in the control signal data in Fukuda, as shown for example in Figure 5,

make it clear that the statement in the Abstract that the “remote station turns on and off a power supply of its reception unit on the basis of the control signal” is properly interpreted to mean that the remote station turns the power supply of the reception unit on and off on the basis *of the timing of said signal*, not on the basis of any ON state indication embedded in the control signal, as the position was taken in the Final Office Action. Again, Fukuda’s reception unit cannot receive a command to turn its power on when the reception unit is in a powered OFF state. As described throughout Fukuda, its cell phone knows the timing of the control signals from the base station and turns on the power to the reception unit in order to receive these signals.

Whereas the interpretation of the Abstract in the Final Office Action directly contradicts the description in the remainder of the patent of how the on and off timings are performed in the reception unit of the remote terminal, Appellant’s interpretation is consistent with the detailed description. Thus, contrary to the characterization at page 11 of the Final Office Action that “applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art,” in fact, the portions relied upon in Appellant’s arguments *are* the detailed explanation provided by Fukuda as to *how* the receivers of the remote stations are turned on and off “on the basis of the control signal.” The Final Office Action, on the other hand, would interpret the Abstract by ignoring the *only* explanation in the detailed description that relates to the relied upon passage of the Abstract.

In summary: (a) The reception units of Fukuda could not receive any control signal instructing it to turn on the power to the reception unit itself; (b) Fukuda’s specification describes a system in which a control signal from another master station is transmitted in synchronism with a reception timing of the control signal and the reception unit of a remote station turns on and off at a timing appropriate for receiving the control signal, a control signal that contains *no* power on or off indication anywhere in its contents, as shown in Figure 5; and (c) the abovementioned detailed description of Fukuda’s operation is completely

consistent with Appellant's interpretation of the passage in the Abstract ("on the basis of the control signal") cited in the Final Office Action, but is inconsistent with the Examiner's interpretation of that passage.

If the interpretation set forth in the Final Office Action is accepted, then the detailed description describes a system that works differently from the system "described" in the Abstract. In fact, as discussed above, a system as hypothesized in the Final Office Action would not work at all, since the control signal could not be received by the reception unit if the reception unit was in the OFF state. On the other hand, the Appellant's interpretation of the Abstract is in harmony with the detailed description, and describes a system that could actually function.

As can be seen from the foregoing, the position taken in the Final Office Action that the detailed description of Fukuda is showing an alternative embodiment to the embodiment discussed in the Abstract is not correct. The method of turning on and off the reception units of the remote terminals based on the reception timing of the control signals in Fukuda's detailed description is the only description of how the turning on and off of the reception units of the remote terminals relates to the control signals. There is no detailed description of any embodiment in Fukuda in which a signal within the control signal instructs the reception unit of the remote terminal to turn on or off. It is always done in Fukuda on the basis of the timing of the control signal, and not based on any embedded command within the control signal.

In any Event, Fukuda Deals With Turning ON/OFF of Reception Unit Power While the Independent Claims Relate to the Turning ON/OFF of *Main* Power

In any event, each of the independent claims relates to a turning ON or OFF of *main* power by means of a received control signal. On the other hand, even if the abstract is (incorrectly) interpreted as it was in the Final Office Action, the ON/OFF control in Fukuda relates to turning ON or OFF the *reception unit* of the remote station, *not* the main power. For this additional reason, the rejection based on Fukuda is untenable.

It is believed clear that the Final Office Action has misinterpreted lines 14-16 of the Abstract. Moreover, the Final Office Action has relied upon this misinterpreted portion of the Abstract even though it is at odds with the teachings of Fukuda's detailed description. In any event, Fukuda relates to control of reception unit power, while the independent claims relate to ON/OFF control of main power. For at least the foregoing reasons, the rejection set forth in the Final Office Action is untenable.

Gillig does not cure the deficiencies of Fukuda. Among other things, Gillig does not show "transmit[ting] an ON state indication signal." Nor does Gillig show the features of claims 3 and 9 discussed above.

Accordingly, Fukuda and Gillig, even if combined, fail to show each and every limitation of the independent claims. Thus, the Office Action has failed to make out a *prima facie* case of obviousness.

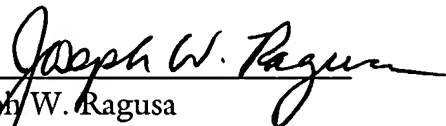
B. Group 2 -- Dependent Claims 2, 4, 7, 8, 10, 12 and 14

Claims 2, 4, 7, 8, 10, 12 and 14 depend from one or another of the independent claims of Group 1 claims 1, 3, 6 and 9. These dependent claims are believed patentable for at least the reasons discussed above in connection with the independent claims.

For at least the foregoing reasons, all of the independent claims, and the claims dependent thereon, are believed to be clearly patentable over the cited references and reversal of the rejections is respectfully requested.

Dated: May 5, 2006

Respectfully submitted,

By 
Joseph W. Ragusa
Registration No.: 38,586
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorney for Appellant

APPENDIX A

Claims Involved in the Appeal of Application Serial No. 10/006,577

1. (Original) A notification system for communicating between a sender cellular phone and a receiver cellular phone comprising:
 - a system configuration for allowing said sender cellular phone to transmit an ON state indication signal indicating to switch ON a main power source of said receiver cellular phone through a radio wave to said receiver cellular phone being in an OFF state,
 - such that said main power source of said receiver cellular phone is remotely turned ON.
2. (Original) The notification system according to claim 1, wherein after said receiver cellular phone becomes in said ON state, said receiver cellular phone is notified that a call is received.
3. (Previously Presented) A notification system for communicating between a sender cellular phone and a receiver cellular phone comprising:
 - a base station controlling device for receiving receiver information concerning said receiver cellular phone, and for controlling a base station covering an area indicated in said receiver information;
 - a sub-system configuration in said base station for sending power-ON information based on said receiver information received from said base station controlling device; and
 - a device configuration in said receiver cellular phone for receiving said power-ON information from said base station even if a main power source of said receiver cellular phone is in an OFF state.

4. (Original) The notification system according to claim 3, wherein said receiver information includes at least one of a receiver cellular phone telephone number, a password to access said receiver cellular phone, and area information indicating an area where said receiver cellular phone is predicted to be.

5. (Previously Presented; **Allowed--Not involved in the Appeal**) A notification system for communicating between a sender cellular phone and a receiver cellular phone comprising:

a base station controlling device for receiving receiver information concerning said receiver cellular phone, and for controlling a base station covering an area indicated in said receiver information;

a sub-system configuration in said base station for sending power-ON information based on said receiver information received from said base station controlling device;

a device configuration in said receiver cellular phone for receiving said power-ON information from said base station even if a main power source of said receiver cellular phone is in an OFF state; and

a location information system for sending said receiver information and a signal for switching said receiver cellular phone to be in said ON state for incorporation into a Global Positioning Satellite signal.

6. (Previously Presented) A method for communicating between a sender cellular phone and a receiver cellular phone comprising:

transmitting, by said sender cellular phone, an ON state indication signal indicating to switch ON a main power source of said receiver cellular phone through a radio wave to said receiver cellular phone; and

turning on said main power source of said receiver cellular phone in response to said ON state indication signal.

7. (Previously Presented) The method according to claim 6, further comprising:

confirming that said main power source of said receiver cellular phone to be notified is in an OFF state.

8. (Previously Presented) The method according to claim 6, wherein after said receiver cellular phone becomes in said ON state, the method further comprising notifying said receiver cellular phone that a call is received.

9. (Previously Presented) A cellular phone comprising a device configuration for receiving a signal from a base station for switching to be in an ON state and being capable of switching a main power source to be in said ON state even if said main power source is in an OFF state.

10. (Previously Presented) The cellular phone according to claim 9, further comprising:

a synchronization establishing circuit for establishing synchronization with at least said base station even if said main power source is in said OFF state;

a main power source ON information detecting section for extracting main power source ON information from a radio wave transmitted from said base station; and

a power source section for supplying electric power to said main power source ON information detecting section and a location information detecting section to be kept in an ON-state, even if said main power source is in said OFF state, and for turning ON said main power source when said main power source ON information is input from said main power source ON information detecting section.

11. (Previously Presented; **Allowed--Not involved in the Appeal**) A cellular phone comprising:

a device configuration for receiving a signal from a base station for switching to be in an ON state and being capable of switching a main power source to be in said ON state even if said main power source is in an OFF state;

a location information detecting section for detecting location information and main power source ON information from a Global Positioning Satellite signal;

a main power source ON information detecting section for detecting said main power source ON information from said Global Positioning Satellite signal; and

a power source section for supplying electric power to said main power source ON information detecting section and said location information detecting section to be kept in an ON-state, even if said main power source is in said OFF state, and for turning ON said main power source when said main power source ON information is input from said main power source ON information detecting section.

12. (Previously Presented) The cellular phone according to claim 9, wherein said cellular phone is used as a receiver cellular phone in a notification system for communicating between a sender cellular phone and said receiver cellular phone, wherein said notification system comprises:

a system configuration for allowing said sender cellular phone to transmit an ON state indication signal indicating to switch ON a main power source of said receiver cellular phone through a radio wave to said receiver cellular phone, such that a main power source of said receiver cellular phone is remotely turned ON.

13. (Previously Presented; **Allowed--Not involved in the Appeal**) A cellular phone comprising:

a device configuration for receiving a signal from a base station for switching to be in an ON state and being capable of switching a main power source to be in said ON state even if said main power source is in an OFF state, wherein said cellular phone is used as a receiver

cellular phone in a notification system for communicating between a sender cellular phone and said receiver cellular phone, wherein said notification system comprises:

a system configuration for allowing said sender cellular phone to transmit an ON state indication signal indicating to switch ON a main power source of said receiver cellular phone through a radio wave to said receiver cellular phone, such that a main power source of said receiver cellular phone is remotely turned ON,

a base station controlling device for receiving receiver information concerning said receiver cellular phone which said main power source is in said OFF state, and for controlling a base station covering an area indicated in said receiver information, said base station further sending said receiver information, and

a location information system for sending said receiver information, a signal for switching said receiver cellular phone to be in said ON state by carrying on a Global Positioning Satellite signal,

wherein said base station comprises a sub-system configuration for sending power-ON information based on said receiver information received from said base station controlling device; and

wherein said receiver cellular phone comprises a device configuration for receiving said power-ON information from said base station even if said main power source is in said OFF state.

14. (Previously Presented) The method according to claim 6, wherein an OFF state status indication can be accessed from said receiver cellular phone.

APPENDIX B – EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

APPENDIX C - RELATED PROCEEDINGS

No related proceedings are referenced in II. above, or copies of decisions in related proceedings are not provided, hence no Appendix is included.